

branch or home office of the association, located within 500 feet of a public entrance of that office and closer to that entrance than to a public entrance of any other SAIF-insured association, and the functions of which are limited to the ordinary functions performed at a teller-window.

(h) *Maintenance of branch office after conversion, consolidation, purchase of bulk assets, merger or purchase from receiver.* (1) An existing association which converts to a Federal savings association may maintain an existing office, and a Federal savings association that acquires offices through consolidation, purchase of bulk assets, merger or purchase from the receiver of an association may maintain any acquired office, except to the extent the approval by the OTS of the conversion, consolidation, merger, or purchase specifies otherwise.

(2) A Federal savings association may not file a branch application after having filed an application to merge or otherwise surrender its Federal charter, unless the merger or conversion application has been pending for at least six months.

(i) [Reserved]

(j) *Publication.* Notice shall be published in a newspaper printed in the English language and having a general circulation in the community in which the home office of the association is located and in the community to be served. If it is determined that the primary language of a significant number of adult residents of either community is a language other than English, the institution will be required to publish the notification simultaneously in the appropriate language. Notice shall be made in substantially the following form:

NOTICE OF ESTABLISHMENT OF A BRANCH
OFFICE OR CHANGE OF LOCATION OF AN OFFICE

This is to inform the public that under 12 CFR 545.92 or 12 CFR 545.95 of the Regulations of the Office of Thrift Supervision ("OTS") [Association Corporate Title, City, Town, State and Zip Code] [has filed/intends to file] [an] [application/notice] with the OTS for permission to establish a branch office to be located [address of branch office].

Anyone may write in favor of or protest against the [application/notice] within 10 days of the publication of this notice. An additional 7 days to submit comments may be

obtained if written request is received by the OTS within this 10-day period. Three copies of all submissions must be sent to the Regional Director, [giving name and address] of the Office of Thrift Supervision Regional Office where the [application/notice] is being filed.

Anyone sending a protest deemed substantial by the OTS may request an oral argument by submitting a written request to the OTS during the 10-day period. For a protest to be considered substantial, it must be written and received on time, the reasons for the protest must be consistent with the regulatory basis for denial of the establishment of a branch office and the protest must be supported by the information specified in 12 CFR 543.2(e)(4).

You may look at the notice and all comments filed at the OTS Regional Office unless any such materials are exempt by law from disclosure. If you have any questions concerning these procedures, contact the OTS Regional Office.

[54 FR 49492, Nov. 30, 1989, as amended at 55 FR 13512, Apr. 11, 1990; 57 FR 14341, Apr. 20, 1992; 57 FR 37084, Aug. 18, 1992]

§§ 545.93—545.94 [Reserved]

§ 545.95 Change of office location and redesignation of offices.

(a) *Eligibility.* A Federal savings association eligible for expedited treatment pursuant to §516.3(a) of this chapter may change the permanent location of its home office or any approved branch office, or redesignate a home or branch office subject to the procedures set out in §545.92(f) of this part. A Federal savings association subject to standard treatment pursuant to §516.3(b) of this chapter may change the permanent location of its home office or any approved branch office, or redesignate a home or branch office subject to the procedures set out in §§545.92 (c), (d), and (e) of this part.

(b) *Processing of application.* (1) Processing of an application for a change of office location or redesignation of a home or branch office shall follow the procedures set forth in §545.92 of this part, except that:

(i) The applicant shall publish the required newspaper notice of application in the applicant's home office community, the community to be served by the new office, and the community where the office is to be closed or the home office is to be redesignated as a branch; and

(ii) The applicant shall post notice of the application for seventeen days from the date of first publication in a prominent location in the office to be closed or redesignated.

(2) The OTS may approve an amendment to an association's charter in connection with approval of a home office relocation or redesignation under this section.

(c) *Short-distance relocations.* (1) Notwithstanding paragraph (a) of this section, an association may change the permanent location of a home or branch office, without applying for approval by the OTS, to a site within the market area and short-distance relocation area of the office site that has been approved in accordance with § 545.92 of this part or paragraph (a) of this section. The short-distance relocation area of an office site is:

(i) The area within a 1,000-foot radius of the site if it is located within a central city of a Metropolitan Statistical Area ("MSA") designated by the U.S. Department of Commerce;

(ii) The area within a one-mile radius of the site if it is located within an MSA designated by the U.S. Department of Commerce but not within a central city; or

(iii) The area within a two-mile radius of the site if it is not located within a MSA.

(2) An association shall notify the OTS in writing at least 30 days before such an office relocation and may proceed with the relocation unless, within 30 days of receipt of the notice, the OTS notifies the association that the relocation does not satisfy the criteria set forth in the first sentence of paragraph (c)(1) of this section, in which case the association must file an application and obtain approval by the OTS in accordance with paragraph (b) of this section.

[57 FR 14341, Apr. 20, 1992]

§ 545.96 Agency.

(a) *General.* A Federal savings association may, without approval of the Office, to the extent authorized by its board of directors, establish or maintain agencies that only service and originate (but do not approve) loans and contracts or manage or sell real es-

tate owned by the Federal savings association.

(b) *Additional services.* Except for payment on savings accounts, offering of any services not listed in paragraph (a) of this section may be approved by the OTS.

(c) *Records.* An agency shall maintain records of all business it transacts and transmit copies to a branch or home office of the Federal savings association.

[54 FR 49492, Nov. 30, 1989, as amended at 54 FR 50614, Dec. 8, 1989; 55 FR 13512, Apr. 11, 1990; 57 FR 14342, Apr. 20, 1992]

§§ 545.97—545.100 [Reserved]

§ 545.101 Fiscal agency.

A Federal savings association designated fiscal agent by the Secretary of the Treasury or with Office approval by another instrumentality of the United States, shall, as such, perform such reasonable duties and exercise only such powers and privileges as the Secretary of the Treasury or such instrumentality may prescribe.

§ 545.102 Trustee.

(a) A Federal savings association may act as trustee of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan qualifying for specific tax treatment under section 401(d) of the Internal Revenue Code of 1954; as trustee or custodian of an Individual Retirement Account within the meaning of section 408(a) of the Internal Revenue Code; or as trustee with no active fiduciary duties if state law authorizes a savings association to act in such capacity: *Provided*, that the Federal savings association shall invest the funds of the trust or account only in the Federal savings association's own accounts, deposits, obligations, or securities or, upon the condition that the Federal savings association does not exercise any investment discretion or directly, or indirectly provide any investment advice with respect to the trust or account assets, in such other assets as the customer may direct. The Federal savings association shall observe principles of sound trust administration, including those relating to recordkeeping and segregation of assets, and may receive reasonable